



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Kicking the Coal Habit in WV - Solar Power Is A Reality

by Mary Wildfire

Solar power may sound like a great idea, but it isn't practical unless you're rich – or so many people think. But many ordinary West Virginians know otherwise.

OVEC member Ron "RD" Dean sent OVEC staffer Vivian Stockman an e-mail when his grid-tied solar electric system came on-line. "I'm giddy with excitement!" he said. "Just watching that meter run backwards, having AEP owing us for electricity, was just too funny. We produced more electricity today than we would use in three days of normal usage!"

Vivian didn't have time to check out his system and those of some of the seven off-grid households in RD's Lincoln

County neighborhood, so I volunteered, with the extra motive of hoping to learn something that might prove useful to my mate, who is now setting up our own system in Roane County. Thus I spent a long, sunny Saturday running around

with OVEC member Kate Lambdin, looking at RD's new on-grid system and the off-grid systems, all of which had first been installed in the 1980s, and then upgraded over the years.

First, we went to the ridgetop home of Dave Moore. His system is off-grid and he has free gas, which makes it easier to go solar – his heating, cooking, water *continued on p. 4*



RD outside the Dean's solar-powered Lincoln County home, with a bumper sticker that says "I get my electricity from the SUN."
photo by Peggy Dean

The Truth - Mountaintop Removal CEOs Lying About Job Losses

We've been hearing escalating outcries from the coal industry and from West Virginia politicians – all claiming that the Obama administration's closer examination of mountaintop removal permits is **immediately** threatening thousands of coal mining jobs.

On Nov. 3, West Virginia state Senate President Earl Ray Tomblin warned the US EPA that, "It is of the utmost importance that this situation be resolved, not in a matter of weeks, but of days."

The coal bosses surely know how to whip up a frenzy of fear in their workers and how to goad them into

public displays of hatred and threatening behavior towards those of us who oppose mountaintop removal. As a result,

continued on page 5

Inside This Winds of Change

Coal-to-Liquids in Mingopage 2
A Miner in the Knowpage 9
Blasting on Coal River Mtn.!page 14
Community-Owned Windpage 17
Playing Into the Hands of Coalpage 26

DEP Moving Ahead With Permit for Mingo Coal-to-Liquids Plant

by Dianne Bady

WV Congressman Nick Rahall has said that he wants his district to supply jet fuel – made from liquefied coal – to the Air Force. Rahall’s Congressional District already produces more coal than any other district. Many of his southern WV constituents have long suffered the externalities of “cheap” coal – poisoned water and poisoned politics, blown up mountains and buried valleys where neighborhoods used to be.

The US military recently announced that it no longer wants to use fuel produced from coal. The Natural Resources Defense Council says that “the decision was a long time in the making as the technology’s deep inherent flaws came under increasing scrutiny. Environmentally, these fuels are disastrous, emitting nearly double the lifecycle greenhouse gas emissions as conventional fuels. Thus, commercializing liquid coal would stymie our efforts to mitigate global warming... Global warming has drawn the attention of military planners, veterans and security experts because of its profound impacts on national security.”

Nevertheless, in October the WV Department of Environmental Protection issued a draft air pollution permit for what would be the first coal-to-liquids plant in the country, planned by TransGas for Mingo County. It would be conveniently located where West Virginia, Kentucky and Virginia come together – the better to politically divide people who would be breathing the polluted air.

The plant would burn 3 million tons of coal per year to produce 6.5 billion barrels of gasoline annually. DEP says it would be a minor air pollution source, so a more thorough review before granting the air permit is not necessary.

Years ago when OVEC was fighting seriously illegal air pollution from the Ashland Oil refinery, the fact that it was located where West Virginia, Kentucky and Ohio come together made it a bureaucratic horror to fight – three states, three US EPA regions. It took well over a decade of organizing, public pressure and citizen lawsuits to get the US Justice Department and the US EPA to force the improvements needed there to stop the continual air violations that were making people sick.

(The former Ashland refinery in Catlettsburg, KY, is now owned by Marathon.)

The site for the proposed coal-to-liquids plant is on the Right Fork of Bens Creek Road

near Wharncliffe and Gilbert, close to where the new Mingo County High School is planned to be built. The coal-to-liquids plant would be located on a currently partially “reclaimed” portion of a massive mountaintop removal operation, where several mountains are still in the process of being blown up.

I’m not an engineer, but I just don’t understand how a former mountaintop removal site can be guaranteed to be stable enough for a huge industrial complex, after all of the massive blasting required to level the mountains. Have you heard of “Sink Sink,” the federal prison built on former mountaintop removal land in Kentucky?

Of course we will be told that this time it will be different, that the site is assured to be stable, because the coal companies are using improved engineering techniques.

I can’t help wondering if a former experience could be relevant here. About eight years ago, OVEC and Coal River Mountain Watch were challenging the permit to expand the Brushy Fork coal sludge impoundment, the biggest in the state. The legal hearing began with coal industry officials describing in graphic detail all of the advanced engineering procedures and techniques that were using to assure the impoundment dam was stable. Then our side brought to the stand some of the men who actually built the impoundment dam. They didn’t even know of all those complicated engineering requirements that their bosses said they so carefully followed.

The DEP granted the expansion permit anyway, and now Massey is blasting right next to the Brushy Fork impoundment dam in their quest for more “cheap” coal. And we’re told not to worry because it’s all perfectly safe. Just like we’re supposed to believe that coal-to-liquids is safe and environmentally friendly.

The US House of Representatives has already passed a bill that would cut carbon dioxide emissions. How likely is it that investors will want to put their money into a very expensive new project that would result in increased carbon emissions from gasoline? Would you be confident enough to put some of your own money into building this plant?

I’m betting that if this plant is built, we’ll be putting our taxpayer dollars into it to make up for a lack of enough funding from private investors. And our money would once again be spent to justify more blown up mountains, more people displaced from their ancestral homes, more of the same for southern West Virginia. 🍌



Now Hear This: Colonel Peterson of the Army Corps Denies Your Constitutional Right to Free Speech

“You knew what you were getting into,” a Charleston police officer said to an agitated man, in order to justify denying the man’s request for help.

What this man knew he was getting into was supposed to have been an Oct. 13 public hearing conducted by the US Army Corps of Engineers.

However, in reality that’s what the man and several other mountaintop removal opponents were trying to get out of. They had asked the officer for help in leaving the hearing venue, the Charleston Civic Center, because hundreds of extremely angry miners were blocking the exit, shouting insults and even death threats, and, in some cases, even pushing around people who weren’t sporting Friends of Coal stickers or T-shirts.

The hearing was one of six held in Appalachian states to address the Army Corps of Engineer’s proposal to suspend and modify Nationwide Permit 21 (NWP 21) under Section 404(e) of the Clean Water Act. Mountaintop removal opponents attended the hearing to support the Corps’ proposal.

Though the Army Corps has for decades issued NWP 21 permits for valley fills at mountaintop removal operation, these types of permits should only be issued when the effects, including those to human health, aquatic life and

other water-dependent wildlife and aquatic ecosystem diversity and stability, are minimal.

Thanks to lawsuits filed on behalf of OVEC, Coal River Mountain Watch and the Natural Resources Defense Council, attorneys Joe Lovett, Jim Hecker and others had forced the Corps to stop issuing NWP 21 permits in West Virginia.

With the proposed rule change, the Corps was finally admitting that valley fills really do have more than minimal impact and was moving to stop using NWP 21 at mountaintop removal operations in other Appalachian states.

Well, coal CEOs and industry lobbyists didn’t like this at all. They pulled out all the stops to get miners out to the hearings. We’ve heard rumors about miners being given the day off to attend the hearings and notices in paychecks about treehuggers and the EPA trying to take people’s jobs.

Note that the EPA was not the agency conducting this hearing and note that the NWP 21 wasn’t being used in

continued on page 6

Coal-to-Liquids - Just A ‘Minor’ Air Pollution Source? Umm, Right

In October OVEC and others asked for an extension of the public comment period on the draft air pollution permit for the proposed Mingo County coal-to-liquids plant. We were granted the extension until Dec. 18.

The national Sierra Club wrote this request letter to DEP on our behalf; a few excerpts follow:

“The size and complexity of the proposed facility and its significant environmental effects warrant a longer, more comprehensive review period... The plant includes a dizzying array of emissions sources, each of which entails its own set of assumptions, emissions calculations, and control technologies...”

“It appeared from the application materials that the facility would emit significantly more pollution than claimed by the project proponent, easily surpassing the ‘major source’ thresholds under the Clean Air Act... The decision to let this facility bypass the core requirements of the Clean Air Act could have a major effect on public health and the environment.”

The other groups that asked for the public comment extension are the Appalachian Center for the Economy and the Environment, WV Highlands Conservancy and Coal River Mountain Watch. 

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OVEC is a founding member of Community Shares of West Virginia, a member of the WV Environmental Council and the Alliance for Appalachia, and a 501(c)(3) non-profit organization registered with the IRS and the WV Secretary of State.

When you're finished with this newsletter - PASS IT ON!

Solar in WV

continued from page 1

heating and refrigeration are all accomplished by gas. But he also has a television, a washing machine, a vacuum cleaner and lights, among other things. This system has been operating for two years.

Dave began his off-grid life in 1982 with a tiny array powering one radio; now he has six 125-watt panels for a total of 750 watts, with eight batteries to store the power. Dave set up this system himself in 2007, spending about \$8,000, while knocking about \$2,000 off his federal income tax, thanks to solar tax credits. WV now has solar tax credits.

He pointed to the trimetric meter, which has readouts for all kinds of things, including how long ago he last equalized his batteries. “This is the lifeblood of the whole system,” he said, explaining that he takes a glance at it when he gets home from work to note the status of his current power supply. He checks the weather report.

Then he can decide, for example, whether to spend the evening watching television or just reading a book. If the batteries are low and it’s supposed to be cloudy for the next couple of days, he will conserve. This willingness to think about power usage is the key to living happily off-grid.

“The average American home wastes more power than I use,” Dave noted, mentioning such things as leaving a television and several lights on all night. He said he has used a generator only three times in two years.

Dave opined that a lot more people would go solar if not for the hefty upfront price tag. He thinks the government should help out with a loan program, so you could buy it and then pay back the loan monthly.

From Dave’s we went to see RD and Peggy Dean, who have a brand new grid-tied system. They spent about \$9,200, including \$2,000 for installation. (If you’d like the Dean’s recommendation on an installer, contact vivian@ohvec.org.)

RD has five panels totaling 650 watts on his porch roof. He also has eight batteries, so he will only need to draw power from the grid when it’s cloudy for days in a row. He has a television, computer, washing machine, lights

and a quite efficient model of refrigerator/freezer (ConServe). He obtained most of his components from Sun Electric of Miami, which he said is the cheapest he’s seen.

Next we visited Warren Owings who has a tiny 110-watt system powering a couple of lights, a radio and DVD player and a water pump. His house is in the bottom, not an ideal location – but he did have a nifty low-tech sun-tracking device: just a pair of ropes hanging down from his roof, which I watched him use to turn the solar array so it would be ready for the morning sun. Warren also has free gas and says he spent less than \$1,000 on his solar system.

Finally, we climbed the hill to Kate’s house, where the sun was still shining. Kate stressed her

feelings that, as environmentalists, we need to be working toward solutions to our problems so that we can quit our dependence on coal.

Like Warren’s, Kate’s system dates to 1982, but she has expanded it since. She now has 295 watts worth of panels (with the 80s panels still working good as new) on her roof, and six batteries. She runs some lights, a television, a stereo and occasionally power tools or kitchen appliances. She has become used to conserving when it’s cloudy, especially in the winter.

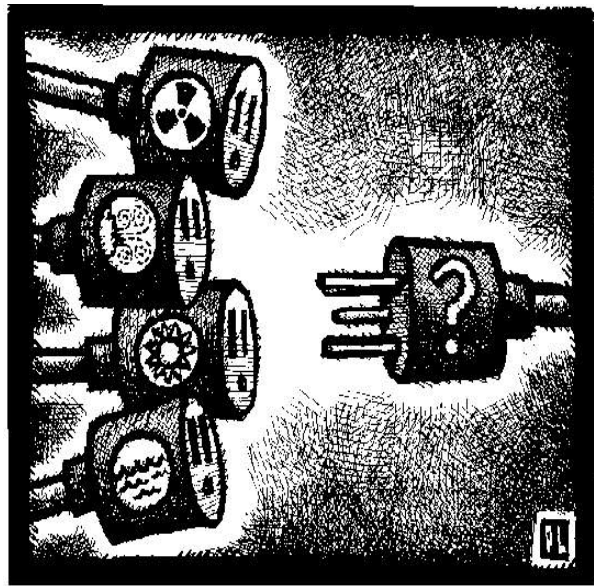
Again, it seems this is the key to kicking the John Amos habit and living on sunlight – being willing to pay attention and modify your habits to use less when there is less solar input and feeling free to use more when the sun shines.

Certainly, if you spent more money, you could install enough batteries and solar panels that you wouldn’t have to think about your electricity consumption.

But that’s how the nation has been living – heedless of how much energy it uses – and that’s how we got to the point where some people can try to justify blowing up mountains and poisoning our water.

My Saturday trip showed me that going solar isn’t hugely expensive and is entirely feasible even in Lincoln County, in the shadow of one of the biggest mountaintop removal operations, Hobet 21.

Kate and her neighbors must feel deeply gratified every time they flip a switch and don’t blow up a mountain. 🍌



Legal Victory: Decision Could Send Dozens of Permits Back for Additional Comment

Just before Thanksgiving, the US District Court for the Southern District of West Virginia scolded the US Army Corps of Engineers for having issued two permits for mountaintop removal coal mining that did not follow public notification laws, which could lead to the resubmission of

CEO's Lying

continued from page 1

there's been a sharp increase in death threats and other harassment of anti-mountaintop removal activists.

But is it true that if mountaintop removal were severely limited or banned, there would be massive and immediate job losses? Would the industry run out of coal to mine here?

When these questions were asked of coal company executives whose companies practice mountaintop removal in West Virginia, the answer varied, depending on who was inquiring. If they were talking to coal industry stock analysts or to their shareholders, they've essentially said it's really not that big of a deal, that **they can switch to more underground mining.**

Massey Energy's Don Blankenship seems to be a leader in the public message that the coal industry is in imminent danger. But he sang a different tune when talking to coal industry stock analysts in late October.

"They (Massey operations) are very safe in detail in 2010. In 2011, if we had an issue with permitting on a surface mine, we would go to more deep mines . . . We will be and keep ourselves (sic) in a position to make those volumes or more irregardless of which way the permitting issue evolves." Remember that deep mining requires many more jobs than does mountaintop removal to produce the same amount of coal.

Here's what Patriot Coal's Senior Vice-President Mark Shroeder had to say to industry analysts in August: "The positive . . . for us is that, as things get more difficult on the surface side, we have wonderful underground reserves that are out there, some of which are ready to go."

He also pointed out that "The coal out there in many of the properties is interchangeable."

Hmm, this sure isn't what the coal guys have been telling their workers, the media or our politicians.

Patriot Coal's President Rick Whiting clearly told stock analysts that Patriot wants more surface mining permits.

But he also said "Every trip that (Patriot Chief Operating Officer) Paul (Vining) and I have made to the individual mining complexes in recent weeks and months . . . we continue to be presented with more potential

hundreds of permits for new mining across Appalachia.

OVEC, the Sierra Club, the West Virginia Highlands Conservancy and Coal River Mountain Watch had filed this lawsuit. They were represented by the Appalachian Center for the Economy and the Environment and Public Justice. 🍌

underground projects."

Patriot's Whiting said, "It would be a travesty for these (mountaintop removal) permits not to come through, because they are low-cost fuel for all of our customers."

Low cost only if one doesn't consider all the devastation to human communities, water, wildlife and mountains.

He also explained, "We're hedged to manage through it either way it goes."

Gene Kitts, vice president for International Coal Group, defended quite strongly the industry's need for more surface mining in the *Charleston Gazette's Coal Tattoo* blog (Aug 14, 2009).

But International Coal Group's President Ben Hatfield said in late October, "We do not see in the permits that are teed up for scrutiny at this point anything that's likely to cause us to have to literally shutter production in that two year time horizon. But our overall plan as you know . . . for a period of time, most of our growth is on the underground side," Hatfield continued. "I think the short answer is moving more of our focus on expanding underground operations."

Of course, losing a job is disruptive and troubling for anyone. And, yes, coal companies may make more short-term profit on mountaintop removal mining than on deep mining. However, communities and ecosystems suffer so much more from mountaintop removal.

There is no end in sight to the job-loss hysteria coming from mountaintop removal workers, state politicians and many media sources.

But it seems dishonest for politicians and media representatives to whip the masses into a frenzy over irreplaceable jobs and big state tax losses, when the coal bosses are assuring their financiers that if they can't do more surface mining, they are planning to add more jobs underground.

Shouldn't our politicians and the media dig a little deeper to see if the coal spokespeople are being honest with them?

(Direct quotes for this article were taken from BLOGS.WVGAZETTE.COM/COALTATTOO [August 14 and Nov. 4, 2009.] The commentary is ours.) 🍌

Good-bye to Jim – The Mountains and the Mountain People Will Miss You

OVEC staff and the volunteers who knew and loved him extend our deepest sympathy to Jean Foster and the relatives of Jim Foster, of Bob White, WV.

Jim left us on Nov. 1, after an extended illness.

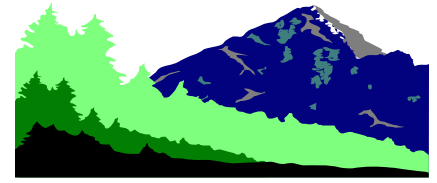
In September, OVEC's executive director Janet Keating had sent the following letter to Jim:

On behalf of the Ohio Valley Environmental Coalition (OVEC), please accept this Certificate of Appreciation for Outstanding Citizenship.

We are so fortunate that you have been such a beacon of light – advocating for an end to mountaintop removal coal mining. No one would know better than you all of the losses associated with this mining technique.

As a union miner, you have shown great courage by speaking out on behalf of the mountains, the forests,

the streams, wildlife – and of course, your community. In the face of adversity, you refused to back



down on your views. You serve as a real inspiration to others! If everyone took their obligations of citizenship as seriously as you have, what a better world this would be.

Thank you, Jim, for sharing your life and wisdom with OVEC. Many people have been moved to action by your words. We are truly honored that you came into our lives.

Thanks to filmmaker BJ Gudmundsson, Jim Foster can continue to inspire the ever-growing movement to end mountaintop removal: WWW.PATCHWORKFILMS.COM. 🌰

Now Hear This

continued from page 1

West Virginia and the miners were still at work.

Apparently whipped up with provocative and incorrect information, miners did turn out en masse for the hearing in Charleston. The Charleston police failed to maintain safe passage into the building; they allowed the mob to crowd in front of the doors. Some who came to give comments at the hearing couldn't even get inside. Those mountaintop removal opponents who did manage to run the gantlet of threatening behavior and make it inside were not granted their right to comment in public.

Inside, with the first comment, the Army Corps lost control of the "hearing." Senator Truman Chafin turned the microphone away from the panel and toward the audience, and then proceeded to kick off what was instantly turned into a pro-coal rally. The Army Corps moderators failed to request that the audience refrain from cheers and standing ovations.

Comment after comment followed, with little regard to the matter at hand. OVEC staffer Maria Gunnoe, the first speaker to try to give comments in favor of the Corps' proposal, was shouted down.

Supposedly officiating at the "hearing" was Colonel Robert D. Peterson. He not only denied a request to remove the hecklers during the hearing, he also stated that he would not remove them because their heckling had not interfered with the process – essentially reducing this federal public "hearing" to a sham.

As an officer of the US Army, he flagrantly ignored

his duty. He allowed those with counter opinions to boo, threaten, taunt, shout down and intimidate those who support the elimination of the NWP 21.

We have learned from our allies in other states that presiding officers in the hearings held in those states made it clear, at the beginning of the hearings, who was in charge – and that everyone would be heard.

In Charleston, though, it was clear our side would not be heard. People began leaving in small groups, again facing the mob and enduring taunts, threats and physical acts of intimidation. We wonder, had our side exhibited the same behavior, would we have been carted off to jail for assault and battery? But no one was arrested that night.

Of course, many groups and individuals submitted written comments to the Corps before the comment period ended. Nonetheless, what went on in Charleston the night of Oct. 13 is inexcusable. The member groups of the Alliance for Appalachia have asked for official investigations and follow-up actions. Stay tuned. 🌰

***We Need YOU to Help
Keep OVEC Sustainable***



We need you to help keep OVEC sustainable. Please join our grassroots fund-raising committee – no experience needed. All you need is a commitment to help build a better West Virginia. If you want to help, or learn more about our commitment, please e-mail janet.ovec@gmail.com or call the office at (304) 522-0246. 🌰

Sludge Safety Project Gears Up for Another Successful WV Lobbying Season in 2010



Our Sludge Safety Project is gearing up for the 2010 WV Legislative Session, and we want *you* to be a part of the action.

To get involved in any of the following, contact SSP coordinator Stephanie Tyree at (304) 896-9622 or stephanie@sludgesafety.org.

Host an SSP Community Meeting for Water Rights

We continue to organize community meetings across southern West Virginia. We will be meeting in kitchens, churches and community centers to talk with small groups about water rights and how, together, we can improve the health and safety of West Virginians during the upcoming Legislative Session. Invite a few friends over, and let's get together at your place next!

Receive and Share Our Coalfield Organizing Tool Kit

Over the years in SSP, we have learned much and built connections with intelligent and helpful allies locally and nationally. This tool kit is our attempt to get that information down on paper and into the hands of people who need it the most.

This resource is geared toward anyone who wants to take action but doesn't know how to get started. We have helpful tips for organizing and developing your own leadership skills, as well as information on the nitty-gritty of bad water, slurry injections, sludge impoundments and strip-mining permits. Just call us, and we'll send one or more

copies your way.

Educating Your Legislators - A Key to Getting Action on Sludge Issues

Several studies have been released this past year on health, sludge and living in the coalfields. People are suffering from bad water, disease and unsafe living situations near dangerous coal waste impoundments and slurry injection sites. This is not acceptable.

There are ways to process coal that are safer and produce less waste. It's up to us to make sure our representatives and senators have the facts. Call their offices or homes today and set up meetings.

We are here to help you get ready, but you are the person they need to hear from. You can find your legislators' contact information online at [WWW.LEGIS.STATE.WV.US](http://www.LEGIS.STATE.WV.US).

Join Sludge Safety to Kick-Off the Legislative Session

This will be a time to celebrate with others who have been active in Sludge Safety Project, hear the success stories, learn a little about how to lobby and, above all, have fun! Please contact SSP for event details.

As Always, Get Sludge Safety Issues in the News!

You can call the "Readers Voice" line at the Charleston newspapers to leave a message that might make its way into print. The number for the *Gazette* is (304) 357-4451 and for the *Daily Mail*, it's (304)-357- 4330. Call now – it's free! 🍌

2009 – A Year of Changes and Challenges for SSP

2009 has been a year of big changes. In our nation's capital, the Obama administration has brought new faces and (seemingly) fresh ideas to national politics. In West Virginia, our Sludge Safety Project has experienced major changes, too.

With longtime coordinator Patricia Feeney moving on to pursue medical school, and Coal River Mountain Watch staffer Matt Noerpel entering a master's program in Pittsburgh, new staff members at both organizations have taken the reins to help coordinate SSP.

Even with a new OVEC coordinator, the direction, leadership and purpose of SSP remain the same. SSP moves into 2010 with a continued commitment to lobby for policies that will ensure that no West Virginians have to drink slurry-contaminated water. And we are closing out 2009 with renewed outreach efforts in communities throughout the

southern coalfields that are located near underground injection sites and coal sludge dams.

Crafting Clean Water Protections

After five years of lobbying, our SSP Project has become the model citizens' lobbying effort in West Virginia. This is because of committed coalfield residents, community leaders, supporters and volunteers – like you! SSP has truly become a force to be reckoned with in the halls of the State Capital.

We will continue building on this lobbying power during the 2010 legislative session. The SSP legislative committee has crafted a comprehensive Ban Slurry Bill that we hope to introduce in both houses of the legislature. This bill would stop all underground injections, close the state's sludge impoundments, require coal companies to switch to

continued on page 8

Changes and Challenges

continued from page 8

dry processing and levy fines against companies that fail to comply and shift away from wet processing fast enough.

These fines would go into a fund to support community water projects for areas with toxic slurry water. No longer would the excuses of cash-strapped coalfield counties stop residents from having access to public water lines and clean water.

We need volunteers throughout the state to help with our lobbying efforts, though. It is through the Power of People that we are able to stand up to the giant coffers of the coal industry.

We will be lobbying weekly starting in January. Even if you can only come for one day out of the year, your voice, face and commitment matter. Contact Stephanie at (304)-896-9622 or stephanie@sludgesafety.org if you want to help out.

Organizing for Change

SSP is also organizing in coalfield communities that have toxic drinking water, such as Prenter and the Saturday Road area of Fayette County.

While media coverage of our issues has increased dramatically over the past few months (including coverage on the front page of the *New York Times*, a three-part series on WSAZ TV and hundreds of print and online articles), thousands of West Virginians still live with toxic water.

Newest Selenium Lawsuit at Hobet Seeks Additional Federal Action

It has been years since we filed our first legal action regarding water pollution violations at the Hobet mining complex.

However, excessive pollution continues while the WV Department of Environmental Protection refuses to take action. (And yet, we should all trust that DEP will strictly enforce pollution limits at the proposed Mingo County coal-

OVEC WORKS!

Thanks to everyone near and far taking action to end mountaintop removal, with an extra special thanks to all the coalfield residents who speak out courageously. Due to the rising levels of threatening behavior from mountaintop removal proponents, we won't be publishing a listing of everyone we wish to thank. We hope you know how much we appreciate you. OVEC works because of you!

THANKS!

SSP works in these communities through:

✎ Supporting community leaders and organizing on the ground;

✎ Increasing local knowledge about water issues and health impacts through water testing and health surveys;

◆ Finding emergency and long-term clean water solutions, and;

✎ Facilitating conversations about the broader issue of health in the coalfields – is our environment making us sick, and, if so, what can we do to change it and improve local health?

Wherever you live, if you are worried that you have bad water, contact SSP and ask for our help.

SSP is constantly providing resources, expertise and assistance to communities that are just learning about their water problems and areas where water has suddenly gone bad.

You can reach us any time at (304) 896-9622 or at info@sludgesafety.org, or go to WWW.SLUDGESAFETY.ORG to learn more.

While 2009 has certainly brought changes and new faces both to DC and to SSP, the commitment of and need for SSP has not changed.

Clean water is not a privilege and it's not a commodity – clean water is a human right! 🍷



to-liquids plant?)

In October 2009, OVEC, WV Highlands Conservancy and the Sierra Club filed a federal lawsuit against Patriot Coal's Hobet 22 mountaintop removal mine. The lawsuit outlines Hobet's continued violations of water limits for selenium, aluminum and iron in the Berry Branch of Mud River in Lincoln County. Further, the lawsuit asserts that Hobet has "taken no meaningful action to eradicate the underlying cause of the violations."

We are asking the court to require Hobet 22 to stop violating the federal Clean Water Act and to repair the environmental contamination caused by these violations.

In addition, we are requesting that the court order Patriot Coal, Hobet's parent company, to pay appropriate civil penalties.

During the time period covered by our suit, Hobet 22 accrued at least 371 days of violations. Federal law permits civil penalties of up to \$32,500 per day for violations of this nature. Don't hold your breath waiting for DEP to collect those fines. 🍷

A Miner in the Know Asks – Why Use Slurry Impoundments and Underground Injection?



by Joe Stanley

I live in Prichard, WV. That's in northern Wayne County. My area is not real close to a mountaintop removal mine. The closest ones are above the East Lynn Lake Complex. The watershed that feeds the lake is contaminated with heavy metals. The fish in East Lynn Lake are contaminated with selenium and mercury.

I do know a little about the mining industry. I am a retired miner who worked at the Marrowbone Development Co. operation. This complex was a joint venture, developed by Royal Dutch Shell and Fluor International and originally managed by Massey.

The Marrowbone preparation plant was equipped with filter presses. Filter presses are used to dry the slurry created when coal is cleaned using the wet method processing. I was transferred from one of the underground mines in January of 1982 and assigned a job as a filter press operator. I was a certified underground coal miner and a certified surface coal miner.

I also was crossed trained on all of the jobs in the prep plant, except the main plant operator position. In 1993 we went union and I was elected Local Union President. I was on both the Mine Committee and the Safety Committee. I attended the MSHA training facility in Beckley on numerous occasions. As President of the Local Union I was made aware of all situations in the mining operation.

Marrowbone had three underground mines and three surface mines. All the coal produced was shipped directly to the prep plant for processing. With the filter press technology this plant operated on a closed water loop. In other words, the water that cleaned the coal was used over and over. That resulted in approximately 80 percent less

water being contaminated than an operation that uses underground injection or an impoundment.

Marrowbone didn't use an impoundment or underground injection from its opening in 1979 until 1987. That year, after a change in management, Marrowbone went to an impoundment.

Mountaintop removal mining is not necessary to meet the coal needs of America. According to the West Virginia Coal Association's website, 50 percent of all the coal exported from the US comes from West Virginia. In the summer and fall of 2008 steam coal was selling for over \$100 per ton. **The current price is below \$50 per ton. Filter press technology could be added while prices are low.**

Now is the time to stop destroying the people, the culture and the environment of West Virginia so the rest of America and other countries can have cheap energy. The people of West Virginia should not be required to pay such a huge price, having to sacrifice the health of our children, and all of our citizens. Our water is contaminated with heavy metals; we are now exporting this contaminated water to the rest of the Eastern United States.

The DEP and the political leaders do not care if our people die from contaminated water but soon the rest of the Eastern United States will be affected by this contamination – perhaps this will result in action being taken.

Surely the federal government, which knows the Clean Water Act is being violated, can step in and relieve DEP of its authority. DEP allowed one mining company to exceed the levels of contaminants over 4,500 times, without so much as a single fine. The people of West Virginia deserve better. 🍌

Spruce No. 1 Permit Halted, Federal EPA Invoking Clean Water Act Authority

In October the US Environmental Protection Agency announced that, for the first time ever, it would use its authority granted by the 1972 Clean Water Act to revoke a previously-issued permit.

The permit was issued in 2007 by the US Army Corps of Engineers for valley fills at Mingo Logan Coal's Spruce No. 1 mine, owned by St. Louis-based Arch Coal.

Acting EPA Regional Administrator William Early advised the Corps in a letter that EPA is "taking this unusual step in response to our very serious concerns" that the project could violate the Clean Water Act. Early wrote that the EPA's

action "reflects the magnitude and scale of anticipated direct, indirect, and cumulative adverse environmental impacts associated with this mountaintop removal mining operation."

The Associated Press reported that the project would be the largest authorized mountaintop removal operation in Appalachia and it would occur in a watershed where the EPA says many streams have been affected by previous mining.

There are 12 more surface mining projects either proposed or authorized but not built in the same watershed; the cumulative impacts of all would have to be considered. 🍌

Here's An Idea: MOVE Marsh Fork Elementary School Out of Danger



by Ken Ward Jr., excerpted from Oct. 1, 2009, Coal Tattoo blog

"I don't know enough. I haven't been there. I don't know enough about the site."

That's what Gov. Joe Manchin told me in July 2005 when I asked him if he would want his grandchildren to attend Marsh Fork Elementary in Raleigh County, the school located less than 300 feet from a Massey Energy coal processing plant and just down the hollow from a huge coal-waste impoundment.

The governor had just emerged from a meeting with Ed Wiley, whose granddaughter attended Marsh Fork Elementary and who launched a solo sit-down protest at the Capitol to try to urge Manchin to do something about the school.

Manchin promised at the time that he would look into the problem and explore moving the school. The Marsh Fork issue has been in and out of various courts since then. But basically, actually doing something to get the kids out of the way of this huge coal operation seemed forgotten about by anybody who could do anything about it.

A report in the *Beckley Register-Herald* says the Raleigh County Board of Education is considering asking for state money to build a new school – and that they might ask Massey Energy for financial assistance for the project:

(School Board President Rick) Snuffer says building a new Marsh Fork Elementary "would correct a lot of political problems in the county."

It's interesting that Snuffer is looking at this as a

An End-of-Year Reminder

2010 is coming up fast. Don't miss the chance to make your donation to OVEC on or before Dec. 31 to earn a charitable gift credit on your 2009 taxes. You can donate online at www.OHVEC.ORG by clicking on the "Donate" button. Or you can mail your gift to:

OVEC
P.O. Box 6753
Huntington, WV 25773-6753

Thank you, and Happy New Year!

way to fix "political problems," as opposed to a way to protect the students of his county.

"It's not a good idea to put an impoundment with millions and millions of gallons of slurry right above a school."

- Davitt McAteer, longtime expert on mining safety, commenting to reporters

It will be interesting to see if the county follows through with a plan for a new school ... and of course, everyone would like to know if Don Blankenship is willing to spend at least as much to help the Marsh Fork kids as he was to put on his big, self-proclaimed Friends of America, pro-coal rally on Labor Day. Maybe other coal companies would join in, and donate just a percentage of the

money they're spending fighting tougher strip-mining regulations ...

Byrd Weighs In On Massey and Marsh Fork

A few days after this blog was posted, Sen. Robert C. Byrd, responding to reports that Massey Energy had declined to help fund a new school for Marsh Fork Elementary students, issued a press release:

"Such arrogance suggests a blatant disregard for the impact of their mining practices on our communities, residents and particularly our children. These are children's lives we are talking about.

"If Massey were not operating near Marsh Fork Elementary, we would not be debating what to do about moving these young students someplace safer. This is not the taxpayers' burden to remedy. This is Massey Energy's responsibility to address.

"Let me be clear about one thing – this is not about the coal industry or their hard-working coal miners. This is about companies that blatantly disregard human life and safety because of greed. That is never acceptable.

"At a time when coal is under such close scrutiny, coal companies operating in West Virginia should be working together to put their best foot forward. For the sake of the entire coal industry, Massey Energy should strive to be a better and more responsible corporate citizen. And for the sake of the kids, they should address these serious environmental concerns at Marsh Fork Elementary immediately."

In November, the Raleigh County Board of Education asked the state School Building Authority to provide the \$7.5 million needed for a new school. 🍂

BOONE COUNTY

Coal Company Depredations Endanger WV Family Cemeteries

Dear Readers:

My name is Dustin White and I live in Charleston, West Virginia, by way of Boone County. I have lived in this state all my life. I am writing you, with a heavy heart, to tell you about a major issue here.

The outside world knows very little about our state. Many see us here as just “ignorant hillbillies” or “dumb rednecks.” If there is one thing people outside West Virginia know about my state it is that coal mining is a way of life. Some say coal makes West Virginia go, and this is true, to an extent. However, it has a dark side. A side many do not know about.

Mountaintop removal is an extreme form of coal mining that is threatening not only the land, but the well being of the people in nearby areas. This “strip mining on steroids” threatens our heritage. Like many others, I often dismissed mountaintop removal. I thought it was a issue blown out of proportion by special interest groups and extreme environmentalists. I was one of these people who thought, “MTR doesn’t affect me personally, so who cares.” I believed it was a “necessary evil.” Until June, when I had a wake up call.

Understand, West Virginia is rich in two things, coal and history. Many West Virginians take their heritage to heart. I am one of these people. I grew up in a hollow in Boone County, the heart of the coalfields. I am the son of a coal miner and have a long legacy of coal on both sides of my family. My father came home from Vietnam, only to go into the coal mines to support his family with that black rock. I can still remember the smell of coal dust, diesel fuel, and motor oil on him when he would come home, his skin black from the dust. His grandfather came home from World War I, only to have to pick up another gun to fight at the Battle of Blair Mountain in Logan. He fought for coal mining as a way of life and better working conditions for future miners. My father worked hard to see to it I never had to carry on the tradition of working in a mine.

Coal was an important part of life on my mother’s side of my family, the Cook side, as well. My grandfather raised nine children, eight biological and one adopted, on a miner’s pay. He would spend the day digging coal to come home only to plow fields and tend to the animals to see to it his children had food on the table. If you ever heard the song “Coal Miners Daughter” by Loretta Lynn, that is similar to how my mother grew up. The Cooks are descendents of John Cooke, a Revolutionary War soldier who fought for

our nation’s freedom. He settled in this region of Appalachia even before West Virginia became a state, where many of the Cooks still reside today. Some of his descendents settled on what is now known as Cook Mountain in Boone County. Many of my ancestors were laid to rest on Cook Mountain.

It has been decades since any member of my family inhabited Cook Mountain, but the graves were never unattended over the years. That is, until late June. The once quiet and peaceful resting places of my ancestors have been replaced by the booms of blasting and the roar of heavy machinery. A mountaintop removal mine now inches closer and closer to their final resting places. One such grave is that of William Chapman Cook, another of my ancestors, who fought for freedom on the side of the Union during the Civil War. They can no longer rest in peace.

My family and I are currently in a struggle to protect these graves. The mines are allowed to work within 100 feet of the graves. Is 100 feet really the difference between desecration and protection? Across the coalfields, the same thing is happening to other family cemeteries. The modern mining industry has no respect for the land, life, or the people, living and dead. This was my wake up call and how I became involved on the issue of mountaintop removal. Once I opened my eyes and saw what was happening in my state I was shocked and disgusted. If there is one thing that has been passed down as my family legacy, it is to fight for what you believe in is right. I believe it is what my ancestors would want.

The coal industry has a tight choke hold on my state. Many of our elected officials have their pockets lined with the coal dollar and listen only to the companies – many of which are not even in-state companies – ignoring the people’s plight.

The coal companies play off what they do as good for the economy and that it’s what the people want. The state’s natural beauty and the health of its people are in jeopardy, and it’s not worth the price of coal. Those who work for the mine companies and mine the coal are a proud group and coal companies use propaganda to brainwash and justify their actions. They use propaganda to pit coal miners against others. They tell the miners what they are doing is OK and that any of those who speak out against mountaintop removal are “crazy non-working environmentalists” or “outsiders” only looking to destroy the mining industry many of them rely on to survive. They

continued on page 12

WVCC Policy Forum Showcases Cemetery Issue at Annual Meeting



More than 40 people filled the room at the WV Council of Churches' annual Public Policy Forum at John XXIII Pastoral Center. The Oct. 20 event provided the opportunity for representatives of various social justice and service organizations to inform the Council about their legislative priorities and to ask for support during the 2010 Session.

OVEC's work on the cemetery protection issue was well represented at the forum by Danny Cook and Dustin White.

Danny made a presentation to the assembly, outlining his experience with the Cook family cemetery and asking for the Council's continued support on the issue. When the Government Concerns Program members met

Living Memorial for Laura Forman

As a living memorial to Laura Forman, an OVEC organizer who died in 2001 while defending the mountains and people of West Virginia, OVEC recently planted a Cleveland Select Pear tree in Huntington in partnership with (and planted at) the Tri-State Institute for Pharmaceutical Sciences, located at 1057 Sixth Ave. A memorial plaque will commemorate Forman's life and work.

This lovely flowering tree will serve as a reminder that despite her untimely death, Laura's fiery spirit still lives in our hearts and lives as we carry her work forward. The memorial tree is also OVEC's small contribution toward beautifying the city of Huntington – a simple step that many can take to improve our quality of life. As OVEC Co-Director Dianne Bady said at Laura's memorial service:

“Laura loved – fiercely. She loved her family, her friends, and the friends she worked with who were fighting for their communities, their homes, their beloved landscapes, and their very lives. Laura loved the grandeur of the southern West Virginia mountains. It was that love that pushed her onto her feet and into the faces of those who promoted the annihilation of some of the most biodiverse temperate forests on the planet.” 🍂

What's This Envelope Tucked Into My Winds of Change Newsletter?

If you appreciate OVEC's work, please donate! We've made that easier to do by enclosing a pre-addressed envelope. Your donations keep us at work. **Thank you!** 🍂

after the forum, they decided to strengthen and augment last year's statement of support by adding language calling for the enforcement of free access to cemeteries affected by industry operations or development.

The new statement will also specify support of the citizens' call for an increased buffer zone of 300 feet for cemeteries, protecting them from mining, logging, oil and gas drilling, or other industrial activity.

Other OVEC issues supported by the committee include public campaign financing for Legislative and Judicial elections, reinstatement of a coal mining buffer zone for streams, and an end to coal slurry injection. 🍂

Family Cemeteries

continued from page 11

don't bring up the fact that underground mining provides more jobs. They tell people and even teach children in the schools that companies can restore the mountains to their natural beauty. They neglect to discuss the ecosystems they destroy in the process. They make it seem like they can replace in a matter of months what took millennia to form.

Please, understand I do not wish to be an enemy of coal. To say I was against coal altogether would be a direct insult to my heritage. I believe mining should be done the traditional way of deep mining. It provides more jobs and does not drastically change the geography of my state.

My mother and I were recently able to fly over Cook Mountain, and much of Boone County. One of the hardest things I have ever done was watch my mother break into tears several thousand feet in the air, as she saw a part of who we are destroyed. To see it from the air... the magnitude of the devastation is disgusting. Mountaintop removal literally looks like cancer on the land. Parasites eating away at the place I call home. With friends like coal, who needs enemies? The Appalachians don't belong to just you or me or to the coal industry, they belong to the world. Coal companies say what they do is best for all of us, but it's time we question those actions.

Sincerely,
Dustin White

(Ed. Note – this is part one of an excerpted version of a longer letter Dustin shared with us. Part two will appear in the next issue of Winds of Change.) 🍂

BOONE COUNTY

Cemetery Hearing Highlights Lack of Access, Protection

“We used to go up (to the cemetery) every Father’s Day, have picnics and stuff,” Boone County resident Danny Cook told members of the WV Legislature’s Judiciary Subcommittee A. “Now, we can’t anymore.”

In an emotional presentation, Danny described his feelings of loss and frustration about being denied regular access to his family’s cemetery on Cook Mountain and about having to take a different route that takes an hour longer, if he is

granted a visit. Mountaintop removal mining is slowly encroaching on the cemetery, and blasting has caused some of the stones to shift and graves to begin to sink.

Danny and OVEC’s Robin Blakeman spoke about their personal experiences with family cemeteries at a hearing on the issue of cemetery protection. A number of faith community representatives spoke as well.

Robin pointed out that each time she visits her family cemetery near Ashford, more and more mountaintop mining surrounds it. The current 100-foot buffer zone, “is obviously inadequate for my ancestors to rest in peace,” she said. And at this point, there is evidently no buffer zone at all for cemeteries with regard to oil and gas drilling, which is coming to more and more parts of the state.

The speakers supplied statements from Logan County African-American residents whose family cemetery was devastated by oil and gas equipment.

Rev. Mr. Todd Garland, Director of the Social Ministries Department of the Catholic Diocese, led off for the faith community. He pointed out that as Christian burial rites make clear, “The dignity of the person does not end with this life. Respect for the dead does not end with the funeral.” The ground is consecrated and respected as such by people of many faiths.

“Cutting people off from their culture, connection, and those they love is a breach not only of civil rights, but of human rights,” stated Rev. Jeff Allen, a Methodist pastor who works with the WV Council of Churches. He



The first stage of mountaintop removal, cutting down all the trees, is visible from a small family cemetery in southern West Virginia.

emphasized that the last rite he performs for a person is committing them in faith to their resting place, and that they should be secure there. Families have a right to maintain that connection with those they love.

“Five generations of my ancestors lie just up the hill at Spring Hill Cemetery,” OVEC’s Carol Warren explained. “I have always assumed their resting place is secure. And, if someone did set off explosives or drive huge equipment through the graves at Spring Hill, we

would all be outraged and demand that the perpetrators be put in jail.” Carol noted that sadly, for families whose cemeteries rest on privately owned rural land, that assumption of safety is clearly not valid in West Virginia.

The speakers outlined a series of changes to West Virginia code that would help ensure that our beloved dead rest in peace:

- † A defined amount of time for a company or individual being asked for access to respond to the petitioner;
- † An increase in the time period to six weeks for family to be notified of intent to move a cemetery;
- † Precise records of any removal and the eventual disposition of the remains, in cooperation with a funeral director;
- † An intermediate procedure for complaints about denial of access, such as the new arrangement with the Attorney General’s Consumer Division;
- † A requirement that regular access be granted by industrial operations;
- † Penalties for damage caused by blasting, flyrock, equipment or other industrial processes;
- † Increase of buffer zone to 300 feet for mining and a similar buffer for oil and gas drilling.

The legislative subcommittee listened attentively to the presentations and is taking steps to gain more information from all parties involved.

To get involved with the cemetery protection group, contact Robin Blakeman at Robin@ohvec.org. 🍌

Dear Governor: Stop the Blasting!

BLASTING

At noon on Monday, Oct. 19, about two dozen Coal River valley residents and supporters delivered a letter, below, to WV Gov. Joe Manchin. The governor came out to speak with the people in his office, saying, “What we’re trying to do is find a balance and that’s tough to do in an extractive state.” **(Yup, in the governor’s mind, we are not the MOUNTAIN State, but the EXTRACTIVE State.)**

Seven people associated with Climate Ground Zero locked arms, sat down and refused to leave the governor’s reception area, unless Manchin stopped the mining permits. All seven were cited with misdemeanor trespassing and obstruction for refusing to leave the office at closing time.

To contribute to their legal expenses, go to CLIMATEGROUNDZERO.ORG.

The week after that protest, we had confirmation that Massey Energy had begun blasting on its Bee Tree permit on Coal River Mountain. There’s still time to save the rest of Coal River Mountain.

Actions continue, and you are needed. Please be in touch with any of the groups working on saving the mountain – Coal River Mountain Watch, OVEC, Climate Ground Zero, Mountain Justice, The Alliance for Appalachia, Student

Environmental Action Coalition, Rainforest Action Network and more. Your involvement is crucial!

October 19, 2009

Dear Governor Manchin,

*As residents of West Virginia’s Coal River Valley we write asking you to declare a state of emergency. Coal River Mountain is our last mountain untouched by mountaintop removal and it is in imminent danger of blasting. This would not only threaten our communities, it would also destroy our chance to have permanent jobs and renewable energy through ridgetop wind power. At any moment, Massey Energy could blast part of the Bee Tree site, on the containing ridge of the Brushy Fork sludge impoundment. Brushy Fork impoundment, permitted to hold 9.8 billion gallons of toxic sludge, is **the tallest dam in the hemisphere**, and it sits on top of a network of abandoned underground mines.*

*We live in fear that the blasting could cause the dam to fail and create one of the greatest industrial disasters in our nation’s history. **The emergency evacuation plan for the Brushy Fork sludge dam states that should it fail, a wall of water 40 feet high would hit Whitesville and result in the deaths of at least 998 people.** Given this risk, blasting should not be allowed until your Department of Environmental Protection has examined the impoundment’s stability. In addition, the DEP required that Massey check the pillars under the impoundment, but we have no evidence that they have done so.*

We demand that you prevent any blasting from occurring until the DEP and Massey can present residents with a stability examination and evidence that Massey has checked the pillars.

At the same time, we also stand to lose our most valuable natural resources. Massey Energy not only plans to blast the Bee Tree area, but has also applied for a
continued on page 16



At the Nov. 18 press conference, seated, left to right, Lorelei Scarbro, Chuck Nelson and Bo Webb, and standing, Rose Edington, Mel Hover and Bob Kincaid, all speaking against the blasting that has started on Coal River Mountain.

STARTS ON COAL RIVER MOUNTAIN



The arrow marks where clearing and blasting have started on Massey's Bee Tree permit on Coal River Mountain. The "lake" to the left of the blasting site is the billions of gallons of toxic goo held back by the Brushy Fork coal slurry dam. *Photo by Vivian Stockman. Flyover courtesy SouthWings.*

Residents Blast Blasting on Coal River Mtn, Activists Lockdown

On Nov. 18, residents of the Coal River Valley held a press conference at the Unitarian Universalist Congregation in Charleston to speak against Massey Energy's blasting near the Brushy Fork Slurry Dam on Coal River Mountain.

Residents have proposed an industrial scale wind farm for the mountain, instead of the planned mountaintop removal site.

The dam is near Whitesville, WV, on the western edge of Raleigh County. It is permitted to hold up to 9.8 *billion* gallons of slurry and sits above the abandoned Brushy Eagle No. 1 underground mine. Residents fear that blasting close to the dam could destabilize the impoundment, causing slurry to break through into the abandoned underground mines and blow out through old mine openings

on the side of the mountain.

That's what happened in 2000 in Martin County, KY, at another Massey Energy operated impoundment, designed by the same engineers who designed the Brushy Fork Impoundment.

In the Kentucky disaster, 306 million gallons of slurry broke through the floor of the 2.2 billion gallon impoundment, spewed into the underground mines and out two mine portals. Two streams were drowned in sludge and aquatic life was smothered. The disaster's impact reached all the way to the Ohio River, about 100 miles away.

In 2001, OVEC and Coal River Mountain Watch commissioned a study on Brushy Fork's structural integrity.

continued on page 16

Dear Governor

continued from page 14

new surface mine permit, in addition to permits for over 6,000 acres of mountaintop removal mining on the mountain. If Bee Tree is blasted we lose 16 megawatts of wind potential, and if the new permit is approved, we lose 30-40 megawatts of wind power. Between the two permits, we lose wind potential that could power over 10,000 homes.

Governor Manchin, you have the power to rescind these permits and urge your regulatory agencies to protect the people and land of West Virginia. If you do not prevent mountaintop removal mining on Coal River Mountain, we will lose nearly \$2 million annually in county severance taxes, enough renewable wind energy to provide West Virginia with 1.2 percent of its energy, and jobs that will last forever and do not depend on the boom-bust cycles of coal.

The whole world is watching. Allies, nationally and internationally, are holding up Coal River Mountain as the symbol of a government's choice to remain stuck in its old ways or build a healthy, prosperous future.

Even at the United Nations meeting in Copenhagen in December, the most powerful leaders in the world will watch Google Earth's flyover tour of Coal River Mountain, as one of approximately 15 tours of

Residents Blast Blasting

continued from page 15

Hydrogeologist Rick Eades identified several concerns. He questioned whether DEP had fully evaluated the natural fractures in the roof of the Brushy Eagle No. 1 underground mine, or the impact those fractures would have on roof stability.

The DEP admitted to Eades that they had identified nine pillars of concern in the Brushy Eagle mine, with safety factors of less than 1.5 (a safety factor of 1 suggests the pillar will fail). Eades pointed out that 5 billion gallons of slurry result in over 3 million tons bearing down on the pillars – a weight the pillars were not designed to support.

Delbert Gunnoe, of Rock Creek said, "I'd love to see the blasting stopped – for the safety of the people below there, my relatives and everything. As far as I'm concerned, they're in imminent danger. Nobody, as far as I've read or heard, can guarantee that it'll be safe if they keep blasting. If they continue operations at the edge of Brushy Fork and then get all the valley fill permits for the rest of the mountain, they're going to mountaintop-removal mine all around my property."

global crisis hotspots. You have the power to show the whole world that West Virginia can blaze the way forward – choosing permanent jobs and clean energy over threatening the lives of its own residents.

We are including three documents in this letter: 1) the heart of the letter – a selection of our personal statements, collected during an emergency community meeting, 2) a cross-section of the Brushy Fork sludge impoundment and the old mine workings underneath, and 3) an aerial view of the sludge impoundment with the old mine workings highlighted.

We ask you to review these documents and that you choose not to risk our lives, but to work with us to create a better future.

Sincerely,

Chuck Nelson, Glen Daniel; Lorelei Scarbro, Rock Creek; Diane Hodge, Ameagle; Delbert and Judy Gunnoe, Rock Creek; BJ and Jim Leshner, Naoma; Barb and Gary Anderson, Colcord; Mike and Lessie Maynor, Dorothy; Emmett Withrow, Colcord; Roger Fraley, Dorothy; Charles Ballard, Dry Creek; Coal River Mountain Watch Co-Directors Vernon Haltom and Judy Bonds; OVEC Executive Director Janet Keating. 🍌

Speakers at the press conference included Coal River Valley residents Lorelei Scarbro, Bo Webb, Chuck Nelson, Nanette Nelson and B.J. Leshner.

The day after the press conference, Dea Goblirsch and Nick Martin, two activists associated with Climate Ground Zero locked themselves to a drill rig (used to set blasting charges) on the mountain. Two others, Grace Williams and Laura Von Dolen, joined them.

The four, like many area residents, fear the blasting near Brushy Fork. By Massey's own estimates, about 1,000 people could die should the impoundment fail. The emergency evacuation plan states that a 40-foot wall of sludge will flow downstream. Apart from the initial flood, the impact of this potential spill would be felt along the Coal River's 88 miles.

"The Brushy Fork Sludge Impoundment keeps residents of the Coal River Valley up at night, waiting for eight billion gallons of toxic coal slurry to come rushing towards them," said Dea Goblirsch, one of the two locked down. "I don't know how Massey executives sleep soundly at night." 🍌

Community-Owned Wind Farms = Sustainable Jobs

The TranGas coal-to-liquid plant proposed for Mingo County would provide 350 long-term jobs. In an era where new job cuts are everyday news, many West Virginia politicians see this as a piece of economic salvation.

But it's also becoming everyday news that the biggest economic opportunities for our nation right now are in developing more renewable energy, and in implementing energy efficiency measures.

We've been hearing that China is already ahead of the United States in the development of renewable energy-related factories and businesses, and unless the US catches up fast, we could be left in the dust when it comes to developing the world's leading renewable energy economy.

OVEC is working with the Mingo County-based JOBS Project to bring community-owned wind power to West Virginia. We're not talking about the gigantic, centralized scale of wind farms like those at Mountaineer Wind Energy Center in Tucker County.

The JOBS Project is working with landowners to site the first smaller, community-owned windfarm in the state. Our ultimate goal is to help develop a distributed renewable

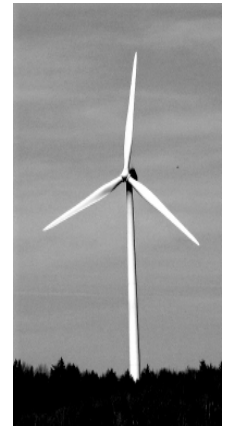
energy production system in West Virginia—many small renewable energy projects generating power and building a new sustainable economy in impoverished communities.

Research shows that **community wind farms keep more money and jobs in the local area, as compared to large corporate wind projects.**

In Minnesota, many community-owned wind farms are currently in operation. The group Windustry has been taking the lead on making this happen, and they're also helping with our efforts here.

Essentially, community wind describes projects where at least a few local community members have a financial stake in the project.

The logistics of the financing are complex – there are also other sources of funding for such projects, including federal stimulus dollars and tax breaks for private investors. For more information, please see WINDUSTRY.ORG. 🍂



A Dead Creek: Yet Another Reason for EPA to Take Over DEP

In November, on behalf of OVEC and Coal River Mountain Watch, the Appalachian Center for the Economy and the Environment filed an update to our petition, filed in May, asking the federal EPA to take over Clean Water Act permitting and enforcement from the state's Department of Environmental Protection.

The supplemental petition outlines DEP's delays in dealing with longstanding water pollution violations by CONSOL Energy.

The delays resulted in the ecosystem collapse of Dunkard Creek in Monongalia County. The petition states:

"The Dunkard Creek fish kill was caused directly by West Virginia's inadequate implementation and enforcement of its NPDES (National Pollution Discharge Elimination System, authorized by the Clean water Act) program... The state of West Virginia has known since at least 2002 that CONSOL has been discharging chlorides in concentrations causing water quality standards violation... Rather than requiring CONSOL comply with the chlorides water quality standard regardless of the cost – as required



by the Clean Water Act – WVDEP endorsed CONSOL's continued delay.

"This time, compliance schedule abuse has also led to an environmental catastrophe – the extirpation of aquatic life from Dunkard Creek... Moreover, WVDEP has identified 20 other waters in West Virginia with conditions conducive to golden algae blooms – conditions that have developed as a result of WVDEP's lax oversight.

"If ever a state's failures should lead to the withdrawal of its NPDES permitting program, these are the appropriate circumstances."

Journalist Ken Ward Jr. reported on his *Coal Tattoo* blog: "DEP officials have indicated that what happened at Dunkard Creek may cause them to revisit some of their policies about waiving pollution guidelines, granting compliance delays, and not writing stream cleanup plans for certain coal-related pollutants.

"Of course, that comes too late for Dunkard Creek. And the supplemental petition filed with EPA argues that DEP hasn't really learned a lesson, citing efforts by the agency to extend compliance deadlines for Hobet Mining

continued on page 18

Congratulations to Larry Gibson!

In October, the West Virginia Sierra Club Chapter honored Larry Gibson with its “25 Years of Exemplary Activism Award” Regina Hendrix presented the award:

I first met Larry Gibson shortly after I retired and returned to Charleston, WV, in 1998. At that time he had been involved in the stop mountaintop removal battle for more than 10 years. During the first years after his 1986 return to West Virginia he worked mostly alone.

Larry was born on Kayford in 1946, when Kayford was a bustling little community with one thousand homes. Larry’s father was laid off from his deep mining job in the mid 50s and the family followed the Hillbilly Highway, which back then ran north to Cleveland. The Gibson family, especially Larry, had a rough time in Cleveland – somewhat like the family in “The Dollmaker.”

Larry remained in Cleveland until 1986, when he was disabled in an industrial accident at General Motors. He returned to West Virginia to find that Kayford had been depopulated and decimated. Most of the land had been purchased by the coal companies and the homes had been destroyed.

However, despite the fact that no one lived on Kayford and the deep mines were closed, lo and behold,



Larry on the Oct. 8 -12 Senior’s March to End Mountaintop Removal, organized by Roland Micklem with Climate Ground Zero.

the state was out widening the road to Kayford and they were reinforcing bridges.

The 50 acres within the Stanley Heirs Park was all that was left in private ownership. Larry set about organizing to reclaim the cemetery and form the Stanley Heirs organization.

Congratulations to Larry!

(Ed. Note: Larry and Regina are both OVEC board members) 🌰

A Dead Creek

continued from page 17

to clean up selenium discharges that are toxic to aquatic life.”

In the original petition asking EPA to take over some of DEP’s programs, we cited DEP’s 90-plus open positions as an indication that the state agency is incapable of doing its job effectively. We noted DEP’s missed deadlines in the slurry study and we listed past examples where the federal government has stepped in forcing DEP to do its job.

The fact is that for years, WV government has enabled and protected coal operators and created the very circumstances that are now forcing the EPA to act.

We need the EPA and Department of Interior to restore environmental protection in West Virginia. The DEP has repeatedly placed industry profits ahead of environmental protection, environmental justice, and citizens’ health and safety. 🌰

You can go to WWW.GOODSEARCH.COM/ and raise money for OVEC every time your search the web! It's easy and free.

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Recurring donations help build OVEC’s sustainability and help us with our long-term planning.

Remember, donations to OVEC, a 501 (c)(3) organization, are tax deductible.

We care, We Count, WE VOTE!

Legislative Tips Workshop Presented at Powershift '09

OVEC staffer Carol Warren joined WV Citizen Action's Julie Archer in presenting a workshop at the WV PowerShift '09 conference on Oct. 24 at Marshall University in Huntington.

Dozens of students from colleges throughout the state and region participated in the three day event.

The workshop was centered on ways interested people can affect public policy by working with the Legislature.

Julie outlined the process of organizing an effective grassroots legislative campaign, including crafting an effective message, choosing appropriate targets, selecting tactics, and ways to engage grassroots folks.

Carol focused on how to maximize effectiveness in meeting with individual legislators, such as staying on message, doing one's homework, and demonstrating clarity about the actions being requested. 🍌



Powershift '09 takes to the streets on the way to the US Army Corps of Engineers office in downtown Huntington, WV.

Judicial Reform Commission Reviews Options

Three public meetings marked the deliberations of Governor Manchin's Independent Commission on Judicial Reform as the group studied various options for West Virginia's judicial future.

The Commission was appointed last spring in response to several factors, among them the lingering question of Justice Brent Benjamin's failure to recuse himself from the Caperton Energy case and the public outcry over Justice Spike Maynard being photographed with Massey Energy's Don Blankenship on vacation in Monaco. The commission's purpose was to make recommendations about several areas of judicial reform that can help restore public confidence in West Virginia's justice system.

The initial public hearing took place on August 28 at Marshall University and dealt with the topic of Judicial Campaign Financing. Several presentations were made on the public financing option, including one by our long-time ally Senator Jeff Kessler.

Judge Wanda Bryant from North Carolina spoke about her state's non-partisan public financing program and how it is creating greater confidence in judicial impartiality.

Jonathan Crook of the University of North Carolina noted that a poll conducted in West Virginia revealed that 73 percent of those polled are open to a financing system based on North Carolina's. The OVEC-led WV Citizens

for Clean Elections was well represented, and several members spoke during the citizen response period about public campaign financing and its benefits. The group also presented a packet of information to each commission member.

The second meeting, held in Morgantown on Sept. 21, considered partisan and non-partisan judgeships, as well as appointment versus election. The proceedings were enlivened by the presence of Honorary Commission Chair (and former U.S. Supreme Court Justice) Sandra Day O'Connor.

Damon Circosta of North Carolina noted that the public there is not willing to give up the privilege of voting for judges, but that its non-partisan public financing program has led to greater civility in the campaigns and more talk about actual issues. He said it has also seemed to discourage 527 activity – an important bone of contention here in West Virginia.

The Capitol was the site of the third and final public meeting on Sept. 29, dealing with the question of whether an intermediate appellate court is needed in West Virginia.

Mark Sadd stated that data seem to indicate that the WV Supreme Court is not correcting prejudicial errors at the same rate as other states because its docket is

continued on page 20

We care, We Count, WE VOTE!

Judicial Reform

continued from page 19

completely discretionary.

Several speakers brought up the fact that the Court does not hear enough appeals to give litigants a sense of predictability and consistency – something many feel is necessary for a healthy business climate.

The commission released its recommendations on Nov. 16, and WV Citizens for Clean Elections is excited that these include public financing.

The commission suggests a pilot project employing public financing for one of the two Supreme Court seats that will be up for election in 2012.

They noted in these recommendations that they recognize the increasing amounts of money spent both by candidates and third parties can lead to a perception that justice can be bought.

Such a project would have to be established by the Legislature, and it sounds similar to Senator Kessler's pilot project for the Supreme Court (SB 311) that received favorable consideration during the 2009 Legislative Session.

The establishment of an intermediate appellate court with judges chosen by a standardized selection process was also recommended, along with further study of the possibility of a business court for corporate and contract cases.

The Independent Commission for Judicial Reform's complete report is available at: TINYURL.COM/YCRLVRL.

WV Citizens for Clean Elections will be monitoring progress on the development of the pilot project legislation and will be doing everything possible to see that public financing for the Supreme Court is enacted.

Join us! Contact Carol Warren at peacelovemom@gmail.com. 🍂

Pizarchik – A Bizarre Pick for New Federal OSM Chief?

Despite intense citizen opposition that held up his confirmation for about six weeks, in early November the Senate confirmed Joseph Pizarchik as the new director for the Office of Surface Mining (Reclamation and Enforcement).

Pizarchik was director of the Bureau of Mining and Reclamation in Pennsylvania's Department of Environmental Protection. Working with the Environmental Integrity Project (EIP) and the Citizens Coal Council, Pennsylvania groups

tipped off citizen groups nationwide to Pizarchik's poor performance, including his support of longwall mining and his lackadaisical attitudes toward toxic coal ash.

His answers to questions about mountaintop removal during a Senate confirmation hearing were quite troubling.

In meetings with OSM officials in DC, where OVEC and other groups made a last-ditch effort to have Pizarchik's nomination withdrawn, we were assured that Pizarchik would follow the Obama administration's lead on mountaintop removal. Hmm. In what direction is that lead going? This nomination seems like a bizarre pick for an administration that wants to give the people Hope and Change.

Folks at EIP assure us that, with continued citizen involvement, the battle for reform within the OSM will continue, including the fight to get coal ash regulated as the hazardous waste we know it is. 🍂

Countrywide Coal Country House Parties

Thanks to everybody who participated in the *Coal Country* house parties week in mid-November – 830 people nationwide opened their homes to these parties, where participants watched a 45-minute version of the documentary and then had a chance to call in and listen to a conversation with actress Ashley Judd, former coal miner and OVEC super-volunteer Chuck Nelson, and the Sierra Club's Mary Anne Hitt. 🍂

GET ACTION ALERTS!

Stay Informed by E-mail: Join OVEC's Action Alert! e-mail list by sending an e-mail with "join list" in the subject line to vivian@ohvec.org. This is not a discussion list, so you won't be swamped with e-mails.

Stay Informed by Phone: If you don't have or don't like e-mail, call the OVEC office at (304) 522-0246 and ask to be put on our Call List. We'll need your name and phone number. Don't worry - we will only call to let you know about major events or actions.

Stay Informed by WWW: Visit WWW.OHVEC.ORG frequently for news and action updates. Check out our extensive background information in the Issues section. Look for your friends in the People in Action section.

DEP Holds Informal Conference in Wayne County, Defends Coal

by Tonna Vanderpool and Stephanie Tyree

In October, about 50 community residents, local miners and coal truck drivers attended an informal DEP conference on the application for a new surface mine, a deep mine, three sediment ponds, a prep plant and seven valley fills in Wayne County, WV.

The proposed operation, close to the WV/KY border near Fort Gay, would include a 189-acre surface mine on forested property owned by the Glen Hayes Land Corp.

Local residents collected 127 signatures on a petition opposing the permit application and requesting a meeting with DEP to hear their concerns and answer questions. The scope of local community opposition to the surface mine forced the DEP to take notice and hold the informal conference.

At the meeting, folks learned more about the effects the proposed mining would have on their communities. Although the permit calls for 189-acres of surface mining now, the coal company owners made it clear that they plan to mine the land for at least 20 years and intend to expand the mine to encompass some or all of the currently untouched land in that area of Wayne County.

Glen Hayes Land Corporation owns the surface and mineral rights to a parcel of property stretching 2,500 to 3,500 acres and additional mineral rights between 6,000 and 8,000 acres. The permit application on the table now is for a relatively small area, but **the permit will be just the first step toward a huge, multi-thousand-acre new mountaintop removal mine in Wayne County.**

Residents at the meeting raised a number of serious concerns about the potential effects of the surface mine and coal prep plant on their quality of life and health and on the local environment.

Many residents use well water that has always been clean and abundant. Blasting at the mine could fracture the underground rock strata within many miles of the mine site and affect local aquifers. The consequences could range from wells going dry to water turning black (if contaminants including chemicals and coal slurry from underground injection sites in the area get into the water).

The water quality of the Tug Fork Watershed is also likely to be affected by the mining activity. This watershed is already under enormous strain from the heavy mining in the counties that feed streams into the Tug Fork.

With the high levels of selenium that are present in the coal seam and the other heavy metals that could run into

the streams from the mine site, there is serious concern about public health and the potential for a fish kill similar to the one seen in Dunkard Creek.

The consequences of this permit on the local community aren't limited to contaminated water. The increased truck traffic along Route 52 and activity from the proposed prep plant will affect air quality. The safety, quality of life and property values of residents are all likely to be negatively affected. These concerns have yet to be adequately addressed by the companies proposing the mining.

Though the DEP did provide residents with a conference on the proposed permits, the agency officials seemed to be merely going through the motions. **DEP officials repeatedly spoke up in defense of the coal industry – going so far as to note the importance of the jobs that coal brings to the state.**

Community members spoke back to the agency, noting that its job is to protect our state environment – not to create jobs and support the coal industry.

Even with this admonishment, the officials still defended the industry and repeatedly let coal executives break the meeting process and structure. DEP was quick to support the coal industry; agency officials, at multiple points, stepped in to interrupt comments and provide responses to criticisms of the mining in defense of the operation – responses that were often blatantly false.

When DEP officials behave like this at a public meeting, it is clear that the agency is not doing its best to work on behalf of the citizens of the state.

How can the agency hold coal companies accountable when officials tell lies that support that industry's bad behavior? It is not true that coal companies have to stop operating if they violate any environmental laws. It is not true that selenium isn't a problem because vitamins have higher levels of selenium than local streams do.

What is true is that only through the work of local residents organizing and educating themselves can we hold industries accountable and restrict them from poisoning and destroying our communities.

The October DEP conference was a first step in this fight for the Fort Gay community opposing new mountaintop removal in their area. The fight will continue, and Wayne County residents need the help of all West Virginians.

To get involved, contact Stephanie Tyree at sltyree@gmail.com. 🍌

OVEC in the News in 2009 - Getting the Word Out

In 2009, OVEC members and staff were mentioned in more than 400 news stories. Way to get the word out, folks! Here are just **some** of spots where our work/members were cited:

Magazines

Audubon
Smithsonian
The Nation
Discover
More
Elle
New Scientist
Blue Ridge Country
E-Magazine

Spirituality and Health
Energy Washington Week
Bass Times

Newspapers

Reuters
 Associated Press
 Greenwire
New York Times
Wall Street Journal

USA Today
Washington Post
Los Angeles Times
Washington Independent
Washington Times
San Francisco Chronicle
St. Petersburg Times

Living on Earth
 National Public Radio
 West Virginia Public Radio
 Voice of America

Books

O's Guide to Life
Plundering Appalachia
Coming Clean: Breaking America's Addiction

Online

Grist
 YaleEnvironment360
 Common Dreams
 Huffington Post
 Truthout
 AlterNet
 Hightower Lowdown
 Facing South
 Green Muze
 Bloomington Alternative
 High Country News

International

BBC TV and radio (Great Britain)
Le Monde (France)
 France 2 TV News
Der Spiegel (Germany)
 Dutch Public Broadcasting
The National (United Arab Emirates)
Jakarta Globe (Indonesia)
 Swiss Public TV

Radio


Democracy Now

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The Eat for OVEC fund-raiser continues to be a success. Thanks to everyone who has enrolled in the program for OVEC! Please keep using those gift cards when you purchase your groceries and gas at Kroger.

If you need refreshed on how to use the card, don't have a card yet, or don't know what the program is about, contact Maryanne at (304) 522-0246 or maryanne@ohvec.org, or send in the coupon below. The program doesn't cost you a penny, and it sure helps support OVEC's work. 🍄

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On the Lookout for Attempts to Indoctrinate Our Schoolchildren?

by Amanda Terkel, *Think Progress*

Friends of Coal (FOC) is a front group created by the West Virginia Coal Association. Its mission is to "inform and educate West Virginia citizens about the coal industry" and "provide a united voice" for the industry.

To make dirty coal seem appealing, FOC has sponsored or initiated license plates, football games, basketball practices, plane jumps, fishing events and scholarships.

FOC is now selling coal to children through the "Let's Learn About Coal" coloring book. The FOC Ladies Auxiliary has been handing the coloring book out to children around West Virginia as part of a "Coal in the Classroom" campaign.

Coal officials go into schools and give presentations about the importance of coal. "We'd really like this to be statewide, that it be mandatory in the schools that they learn about coal," FOC ladies auxiliary president Regina Fairchild said. 🍄

Ann Pancake on Optimism - We Are Winning

When I think about this fall's spotlight on Appalachia, I slide between that guarded optimism and leavened cynicism.

What I do know, after fighting against and writing about mountaintop removal for a decade now, is that public awareness of the issue – and by proxy, Americans' awareness of the true cost of their electricity – has been raised a hundred-fold.

I see myriad national movements shouting against mountaintop removal and for renewable energies, when back in 2003 I sat in an anti-mountaintop removal organizing meeting in Charleston, WV, and was told that one of the most prominent environmental organizations in the nation had written off our fight as “unwinnable.”

I see the coal industry's propaganda campaign as proof that Big Coal is finally genuinely threatened by our opposition to it.

And as I travel around the country and read from my novel and speak about mountaintop removal, what gives me the most optimism is not the intermittent media attention or the recent civil disobedience, brave as those acts are, or even the EPA's announcement that it might enforce the law – it's the vast number of people I meet in their late teens and twenties, both inside Appalachia and outside it, who are enthusiastically and wholeheartedly and doggedly committed to fighting for sustainable ways of living. To remaking this mess.

Excerpted from an article on Grist: TINYURL.COM/Y9Y88HW. Award-winning novelist Ann Pancake is a long-time OVEC member.



EPA Investigating Massey's Coal River Mountain Mine Site

by Ken Ward Jr., excerpted from a Nov. 20, 2009, Charleston Gazette article

US Environmental Protection Agency officials have launched an investigation of Massey Energy's Bee Tree Mine, the mountaintop removal operation where local citizen groups had hoped to instead locate a wind-energy facility.

EPA inspectors visited the site early this month, and on Thursday sent Massey's Marfork Coal Co. subsidiary a letter seeking a long list of information about the operation.

John R. Pomponio, EPA's regional director of environmental assessment, said in the letter that his agency is concerned about the Bee Tree operation's lack of a “dredge-and-fill” permit under Section 404 of the federal Clean Water Act.

Massey had applied for such a permit, but then withdrew its application and rewrote the mining plan under its state surface mining permit to avoid – at least for now – needing that federal permit.

Under the Clean Water Act, any approval of such a permit by the federal Army Corps of Engineers is subject to EPA veto – and EPA officials have launched a program to more closely review mountaintop removal permits before signing off on them.

In his letter to Marfork Coal, Pomponio cautioned that EPA would want to review any Clean Water Act permit that is eventually sought at the Bee Tree site.

“The activities underway at the site do not appear

to have independent utility from the mining project that is the subject of the Section 404 permit application,” Pomponio said. “EPA is concerned that Marfork Coal Company may be committing significant resources and conducting operations in reliance on a Section 404 permit that has not been issued.”

Pomponio added that the corps has not yet decided what streams at the site fall under Clean Water Act protections and that EPA has “some concern that ongoing activities at the site could impact such waters if sufficient precautions are not exercised.”

Massey has 30 days to respond to the letter and provide the information EPA requested.

Shane Harvey, Massey's general counsel, said the company has received the letter and is reviewing it.

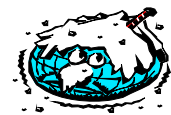
Last month, Massey began blasting at the Bee Tree Mine along Coal River Mountain, despite a national campaign by environmental groups to promote the idea of turning the area into a wind-energy facility instead. Citizen groups are also concerned about the impact of blasting at the site on nearby residents and on an adjacent coal slurry impoundment.

Vernon Haltom, co-director of Coal River Mountain Watch, said his group welcomes the EPA investigation.

“It's encouraging,” Haltom said. “This particular site has such potential for danger that it's crucial that it be very closely scrutinized.”



GLOBAL WARMING / CLIMATE INSTABILITY In the Mountain State



A Meaningful Carbon Tax, Not A Cap and Trade Scheme

by Charles Kleekamp and Barbara Hill, Oct. 18, 2009, Boston Globe opinion page. The authors are members of *The CLEAN*, as is *OVEC*.

The Waxman-Markey bill on climate change that recently passed the House is a train wreck waiting to happen. Intended to reduce global warming and achieve energy independence, it is totally inadequate in its reliance on a flawed cap and trade system; the recently released Senate version called the Kerry-Boxer bill follows the same track.

Like the House bill, the Senate version represents the further transfer of wealth from taxpayers to the nuclear and fossil-fuel industries - a result of their immense power and influence.

Both bills impose a legal limit or “cap” on greenhouse gasses emitted each year. The trading part is based on issuing emission allowances, or permits, to various industries for each ton of greenhouse gas they emit.

However, the fatal flaw in Waxman-Markey is the misguided government giveaway, for free, of 85 percent of

Mason County Coal Ash Dams in “Poor” Condition, New EPA Study Shows

In November, the Environmental Protection Agency issued a draft report providing more details on two coal ash dams at an American Electric Power’s Philip Sporn coal-fired power plant in Mason County, WV. EPA said the impoundments are in “poor” condition, with erosion and potentially unstable construction materials in both impoundments.

EPA officials said they don’t believe the dams pose an immediate threat and that AEP will conduct studies to assure the dams are safe.

In December 2008, a massive coal ash dam failed in Tennessee, creating an ongoing extremely costly environmental nightmare. Coal ash, left over after coal is burned in the process of making electricity, contains arsenic, mercury and other toxics that are naturally present in coal.

Since the disaster in Tennessee, the EPA has been attempting to monitor the conditions of coal ash dams across the United States. The agency is also deciding whether or not coal ash should be considered a hazardous substance, a decision which could finally result in federal regulations for the way coal-fired power plants dispose of the ash. 🍌

all allowances, particularly to coal-related industries.

For example, the most egregious source of carbon dioxide emissions is coal-fired electrical generating plants, which account for one-third of all such emissions. To mollify the powerful coal lobby and coal state representatives, this government giveaway provides little or no incentive to phase out old coal-fired plants anytime soon, and may diabolically increase their profits.

A lesson is to be learned from the 2005 European Union Emissions Trading Scheme that likewise gave away 95 percent of its emission allowances. The result was that EU electric utilities earned windfall profits while continuing to pass on higher energy costs to industrial and residential consumers. The EU told the US Government Accountability Office that “it could not be certain (the trading scheme) resulted in any reduction of emissions.”

To successfully confront the climate change crisis and the nation’s addiction to fossil fuels, we at Clean Power Now endorse a straightforward carbon tax instead of the cap and trade schemes.

To neutralize the impact on consumers, revenue from the carbon tax would be used to reduce payroll taxes, increase Social Security benefits, and fund renewable energy efforts that create new jobs and new industries particularly in the wind and solar sectors. This would amount to a tax shift with enormous societal benefits.

A carbon tax is aimed at taxing the upstream source of carbon where it is produced, like coal mines, oil and natural gas wells, as well as shipping terminals and pipelines for imported fuel. Each pound of carbon embedded in the fuel would be taxed based on the fact that every pound of carbon consumed as fuel results in the emission of 3.6 pounds of carbon dioxide.

Starting at a tax rate of \$15 per ton of emitted carbon dioxide and progressively increasing until the goal of 80 percent reduction is achieved by 2050 is a good place to start.

The senators and representatives who are charged with leading the nation’s energy policy should remember that politics is first the art of the possible and secondly the art of compromise.

That means that starting from an already compromised position leads only to deeper compromises. 🍌



GLOBAL WARMING / CLIMATE INSTABILITY In the Mountain State



Climate Destabilization Claiming Lives Worldwide

by Mel Tyree

Deaths related to climate change are now at epidemic levels, according to several recently published reports. Scientists have warned us for more than 20 years that this would occur, but governments and corporations have refused to act.

A 2009 report published by the Global Humanitarian Forum documents that over 300 million people are already seriously affected by climate change, causing more than 300,000 deaths per year.

If that wasn't bad enough, the report notes that if global temperature increase by 2 degrees C. above pre-industrial levels (which is all but certain), the impacts "would be catastrophic."

According to the Economics of Adaptation working group, more than 800,000 people have died and over \$1 trillion in economic losses have occurred in the past 50 years from climate change disasters alone. A study published in the medical journal *Lancet* on May 16, 2009, concluded that, "Effects of climate change on health will affect most populations in the next decades and put the lives and well

Report Shows Green Technologies Will Revitalize US Manufacturing

A report released in November by the Blue Green Alliance outlines policies for market building, market reforms, financing, innovation and capacity building to create clean energy jobs.

According to the report, renewable energy technologies provide three to six times as many jobs as equivalent investments in fossil fuels when manufacturing, installation, operation and maintenance jobs are taken into account.

The report, "Building a Clean Energy Assembly Line: How Renewable Energy Can Revitalize US Manufacturing and the American Middle Class," estimates that with the enactment of a federal Renewable Electricity Standard (RES) of 25 percent by 2025, more than 850,000 manufacturing jobs could be created nationwide, and more than 42,000 existing manufacturers could experience growth based on a demand for parts.

Read the report at WWW.BLUEGREENALLIANCE.ORG. 🍌

being of billions of people at increased risk."

If the US and other major greenhouse gas polluting nations fail to urgently address human-caused climate change within the next few years, then this generation will be responsible for the extreme consequences.

If we wish to preserve our planet's biodiversity and ensure that our grandchildren have a habitable world, the present generation must accomplish the following feats:

🍌 The level of concern of the general public regarding human-caused climate change must increase. According to the 2009 Pew and Gallop polls, concern has significantly decreased in recent years.

🍌 The US must enact a real Climate Protection Act with ironclad GHG reduction goals free of the Cap and Trade Ponzi scheme. If the United States does this, China and India will be under considerable world pressure to do the same.

🍌 In 2012, when the Kyoto Agreement is reauthorized, the world's nations must agree to reduce their emissions to 90 percent below 2000 rates by 2050 and by 25 percent before 2025.

🍌 Finally, the old economic model of infinite growth and increased gross domestic product must be abandoned. Earth does not have sufficient resources for this suicidal non-sustainable model.

The key to sustainability is for rich and moderately wealthy countries to greatly scale back consumption in order to allow poorer countries to just survive.

One of the reasons for decreasing public concern may be a general feeling of powerlessness regarding our ability to make a difference.

A good way to combat this attitude is through increased public education and outreach. The more people are informed about the seriousness of human-caused climate change, the more public outrage would be generated, causing the media and politicians to pay attention.

If you'd like the specific citations for the scientific studies mentioned above, contact vivian@ohvec.org. 🍌



Playing Into the Hands of Coal - A Perspective

by Janet Keating

More than a decade has past since I participated in a panel discussion in Spencer, WV, about mountaintop removal. The coal industry had bussed in some mountaintop removal workers and their family members. The room was full that evening, but everyone was respectful despite differing opinions. Panelists included representatives from the DEP, the United Mine Workers and the Logan County Commission.

When it was my turn to speak, I suggested we work together to urge state leaders to distribute a larger portion of the federal Abandoned Mine Land funds to the southern part of the state, where mountaintop removal was being done. With funding, mountaintop removal workers could heal the land, rather than destroy it.

My clearest memory of that night is the tearful personal plea of a woman whose husband worked on the Spruce Fork Mine in Logan County – what would have been the largest mountaintop removal permit ever issued and the first mine to be litigated.

She told me how she and her husband were forced to move because of mountaintop removal and that they now lived in a house with a mortgage. Without that permit, her husband would be out of work; they could lose their home. I felt deeply for her but believed then, as now, that a long-term economic future for West Virginia depends on the viability of our mountains, communities and precious water sources.

The following Monday, the miner's wife called the office, inviting me to visit her home near Blair, WV, to try to see her point of view. I hesitated; Governor Underwood had declared a "state of emergency" because Judge Charles Haden had ruled against the Spruce Fork Mine permit.

The coal industry and related businesses, with the governor at the helm, had whipped workers into a frenzy, declaring that the economic sky was falling. Tensions were extremely high. Nevertheless, former OVEC board member John Taylor and I accepted her invitation.

As we drove towards Blair, we stopped on the road to peer at the massive dragline visible on a ridge – a *Tyrannosaurus Rex* gobbling up the mountain. At her home, John and I were welcomed by our hostess, who we will call "Jane," and several barking dogs.

All of us were nervous, but we sat together at the kitchen table. Jane began by sharing pictures of the

community where she used to live. She and her family had to leave after the coal company moved in.

I sensed her losses, the pain of leaving the familiar and watching your community be liquidated by an uncaring industry. I remember saying that there were too many victims, those defending their homes and mountains from the ravages of mountaintop removal and those whose livelihoods depended on their compliance.

Will we continue to fight one another, playing into the hands of coal industry profiteers and their bought-and-paid-for politicians, losing focus on ending our suffering and solving our problems?

By maintaining iron-clad control of local jobs, the coal industry had been able to pit neighbor against neighbor. It was economic blackmail.

We talked about the lack of economic diversity in southern West Virginia. Whether by design or not, people had little choice regarding jobs. Despite its vast resource wealth, southern West Virginia had abysmal roads, poor schools and inadequate basic infrastructure for creating economic diversity.

Jane began the tour by pointing to a hillside where she used to pick blackberries. She wondered aloud why local politicians weren't trying to bring in a furniture factory to create permanent employment – rather than destroying forever the valuable hardwoods. She wondered why there weren't solar panels on the flattened mountaintop removal sites.

We stopped by a "pond" that the coal company had built – a far cry from the once clean streams where locals had fished.

I asked to visit James and Sibby Weekley since we were in their "neighborhood." Reluctantly Jane drove up a narrow dirt road and turned around at a gate installed by the coal company to keep people off the property beyond. Jimmy and his wife raised their children in the same modest home where he had grown up. He knew this place so well – the clear stream meandering by his house, the "thinking rock" atop the ridge.

Jane stayed in her car; she and Jimmy had butted heads when Jimmy hired attorney Joe Lovett to help save his land at Pigeon Roost Hollow from mountaintop removal. In some ways, Jimmy had started it all.

After a brief stop at the Weekley's, we headed to the area where Jane grew up and later raised her children.

continued on page 27

Gifts with Meaning, in Time for the Holidays

If you are searching for gifts with meaning, we suggest you purchase these books, DVDs and CDs released in 2009, all of which were created with major help from OVEC volunteers, board members and staff:

& *Appalachia's Last Stand* – essays and photos compiled after an OVEC-hosted writers' tour highlighting people and places impacted by mountaintop removal.

[WWW.WALKFREEPRESS.COM/ALS INFO.HTML](http://WWW.WALKFREEPRESS.COM/ALS_INFO.HTML).

Ⓞ *Coal Country* – documentary DVD, music CD and companion book, WWW.COALCOUNTRYTHEMOVIE.COM and WWW.COALCOUNTRYMUSIC.COM. *Coal Country* won Best Film at the 2009 West Virginia Filmmakers Festival. All proceeds from the music CD will be donated to efforts to end mountaintop removal.

Plundering Appalachia – essays and large format photos, WWW.PLUNDERINGAPPALACHIA.ORG.

R *Still Moving Mountains* – The second fundraising-for-our-cause CD from Aurora Lights. Be sure to check out the educational / interactive companion website, *Journey Up Coal River*. AURORALIGHTS.ORG/JOURNEY/.

New coal-related music in 2009 includes our good friends Michael and Carrie Kline's *Damp as the Dew* and Kathy Mattea's *Coal*. WWW.FOLKTALK.ORG/DAMP.HTML and WWW.MATTEA.COM/KATHYMATTEACOAL.HTML.

In 2009, longtime West Virginia Highland Conservancy member Bob Gates released a DVD of *All Shaken Up*. All of his mining-related videos can be

purchased at WWW.WVHIGHLANDS.ORG/STORE/INDEX.HTML.

Climate Ground Zero's Mike Roselle was out and about in direct-action-land long before starting his efforts on behalf of the movement to end mountaintop removal. Check out his new book *Tree Spiker* at US.MACMILLAN.COM/TREESPIKER.

Returning to productions with which OVEC was involved...do you remember last year's big movie releases, *Burning the Future*, which won top prize for in-depth television reporting at the 2009 Society for Environmental Journalism conference, and *Mountain Top Removal? BTF* is available on iTunes and Amazon, as well as from the website: WWW.BURNINGTHEFUTURE.ORG. For *MTR*, see WWW.HAWRIVERFILMS.COM/ID11.HTML.

Remember, too, the assorted works of filmmaker B.J. Gudmundsson, WWW.PATCHWORKFILMS.COM.

And for books, there's Ann Pancake's *Strange As This Weather Has Been*, Dr. Shirley Stewart Burns' *Bringing Down the Mountains* and Michael Shnayerson's *Coal River*. Ask for them at your local, independent bookstore.

You can take your gift giving in a different direction by giving to a project that is not quite complete. *On Coal River* is a new film that takes viewers on a gripping emotional journey into the Coal River Valley of WV. The film is nearly complete, but short of funding. Visit ONCOALRIVER.COM to watch the trailer and to donate to the project. 🍂

Playing Into the Hands

continued from page 26

As she drove, she explained what would happen if the coal company did not get its permit. "They'll shut it down for at least a year and then reopen as a non-union mine." Her husband was working now, but miners had always been at the mercy of the coal companies who laid them off whenever the economy declined. I was startled by what she said next: "We know who the real enemy is."

When we got to her former community, just a stone's throw from where Jane now lived, we saw the looming remnants of a coal loading facility.

Jane pointed to a fence, lying twisted on the ground where her house once stood. She motioned here and there, explaining where neighbors used to live. As we stared at the skeleton of her once-beloved community, Jane said nostalgically, "On Halloween, I never had to worry about my kids' candy. We knew everybody here." Then we drove back to her house and said farewell. To my regret,

she and I shared few encounters after that.

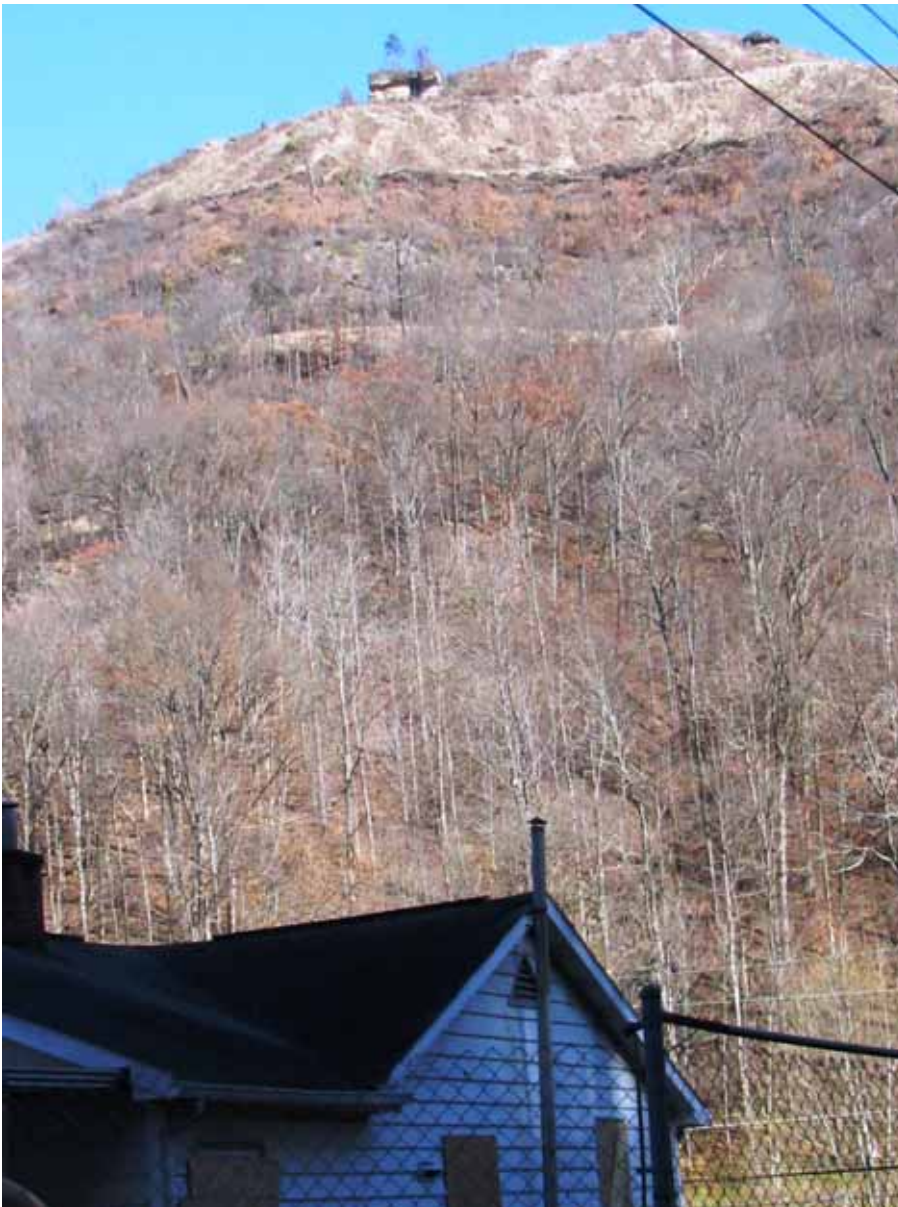
Congressman Nick Rahall said recently we might have 20 years of coal left to mine – a generation at best. How can our leaders do so little to prepare our state for the end of coal? We rely so heavily on coal not only economically, but for much of our electricity. We are teetering on the edge, and our so-called leaders are all too ready to shove us over.

I wonder now if we can reach out to people like Jane. Can we draw them into a community where everyone demands a better quality of life and greater accountability from politicians and corporations, where prosperity and the vision of sustainable energy are shared?

Or will we continue to fight one another, playing into the hands of coal industry profiteers and their bought-and-paid-for politicians, losing focus on ending our suffering and solving our problems? 🍂

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According to Gov. Joe Manchin, Chief FOCer, aka Friend of Coal, we need *more* mountaintop removal mining in West Virginia so the (former) Mountain State will have enough flat land that can be developed to improve the residents' quality of life and raise the overall standard of living.

As a counterpoint, consider EXHIBIT L, pictured at left.

L is for Lindytown, which *was* a nice little community. Note the use of the past tense. Most of the people have moved out, hence the boards over the windows of the house in the foreground. The people who used to live there moved out because of the mountaintop removal mine behind them, which has removed the trees on the top of the mountain, with the rest of the mountain soon to follow.

Somehow, we don't see the Chief FOCer making his summer home in the shadow of a mountaintop removal site.

But then, maybe he would like the constant noise, dust and blasting from an MTR site; the fouled well water; flyrock the size of small cars in the front yard, etc.

Time will tell. 🍂